

REVISION

AN ORDINANCE TO AMEND THE FRANKLIN COUNTY CITIZENS ZONING CODE

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PAMELA K BENEKER
FRANKLIN County Recorder IN
Recorded as Presented

Franklin County

Ordinance No. 3011-24

FILED
OCT 17 2011
Eileen J. Johnson
AUDITOR, FRANKLIN COUNTY

AN ORDINANCE TO AMEND THE FRANKLIN COUNTY CITIZENS ZONING CODE OF FRANKLIN COUNTY, INDIANA, SPECIFICALLY; RESOLUTION NO. 2011-14, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA ON THE 28TH DAY OF MARCH, 2011.

Section 80.03.15: Section I. Penalties for Violation – Verify approved maximum fine at \$500

Section 80.05.03: Delete 4. Add new # 4 "For more pool regulations go to Indiana Swimming Pool Code, current revision."

Section 80.05.05: E. Special Events in Metamora HD District. Written permission for temporary outside booths or stands must be obtained from the Historic Board of Franklin County for special days such as "Canal Days," "Firemen's Festival," or other special events listed under the current Calendar of Special Events in the Rules of the Historic Board. (See Sec. 84.19.) Approval of the Board of Zoning Appeals or the issuance of Temporary Improvement Location Permits are not required for such uses, provided that such uses are promptly removed following the particular special event.

Section 80.05.08: Add "g. See definition of home occupation for a home business."

Section 80.05.09, E; 2 Delete ; B. Permanent signs are subject to the Building Code.

Section 80.05.10, E. Swimming Pool Fences. Every outdoor swimming pool, which is more than 18 inches in depth shall be surrounded by a fence not less than five feet in height. Such fence shall be either of chain link type and style or of a type or style offering equivalent protection. All gates or doors opening through such enclosure shall be designed to permit self closing and locking gates and doors, both capable of being locked as per current State Code, current edition and shall be kept locked when the pool is not in actual use, or left unattended. See Section 80.05.03 for all swimming pool requirements.

Section 80.06.03: E. APC Decision. Upon such hearings, if the APC finds that the establishment will conform with the provisions of this Ordinance, the Board of Zoning Appeals shall direct the Executive Director, to issue an Improvement Location Permit for the Conditional Use; otherwise, the APC shall direct the Executive Director to reject the application. The findings of the APC and its order to the Executive Director shall be in writing.

Section 80.08.08: Delete "G".

G. Specifications for a Private Lane for Multiple Homes

1. Lane Width Minimums:

- a. 16 feet wide for main length of the lane.
- b. 28 feet wide for the first 40 feet of lane adjoining a public road

2. Shoulder Minimum: 2 feet of shoulder on each side.

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3. Utility Easement Minimums: 25 feet from the center of the road on each side.
4. Surface Minimums: 4 inches base gravel, plus two inches finish gravel.
5. Culvert Minimum: 30 feet.
6. Setback Minimum: 50 feet from the edge of the right of way on each side.

Section 80.08.09: Sewer/Septic/Water Standards; A. Sewer, septic, and water regulations shall be per Franklin County Health Department, and all other current state and federal regulations."

Section 80.09.01. A. Add 2. For purposes of this chapter, family shall be defined as, transfers made solely to any combination of a spouse or an individual in the lineal line of consanguinity of at least one (1) of the transferors.

Section 80.09.02: B. Agricultural and Rural Area Deed Disclosure paragraph # 6: ***Fifth, agrees that this covenant for the benefit of the citizens Franklin County, and is enforceable by any of the foregoing; together with such other covenants as may be required by this Deed. Restrictive covenants are enforced by civil action in the court system."***

and C. Private Land Deed Disclosure; paragraph 4: ***Second, agrees that this covenant for the benefit of the citizens Franklin County, and is enforceable by any of the foregoing; together with such other covenants as may be required by this Deed."***

Section 80.10.05: Process for Final Approval of a Subdivision.

The process to obtain Final Approval of a Subdivision Plat shall be as follows:

Section 80.10.07 A. 25, b. All cul-de-sacs shall terminate in a circular right-of-way, with a minimum diameter of one hundred (100) feet, or other arrangement for the turning of all vehicles conveniently within the right-of-way. Where as if a school bus use is planned by the developer or if so deemed necessary by school policy or law of distance for pickup of school students, a 110 foot diameter or 55 foot radius with a paved area of 24 feet around the outer radius of the cul-de-sac and a 70 foot right- of-way with a solid sod center with a, 2 foot gravel berm around paved radius shall be required. Any unpaved portion of the cul-de-sac shall not be dedicated to the county and must be maintained by the developer or Property Owners Association. There shall be no parking of any type of motorized vehicles or non-motorized vehicles nor may the placement of any object with be an impediment to snow removal.

Section 80.10.07: A. 25, Cul-de-sacs. a. Cul-de-sacs turn-arounds shall be paved to a diameter of one hundred ten (110)feet.

Section 80.10.07, B. Streets in Subdivisions, 1. Streets may be varied by the Commission in approving a subdivision.

Section 80.11.02. 5. ACCESSIBILITY OF MAP. It is the responsibility of the Executive Director to make the Zone Map, or accurate copies of it, readily available to all who request it. It is required to maintain additional accurate copies of the Zone Map at public libraries, on the County website, and at APC and other relevant public meetings.

Section 80.11.02. 8. Delete. *MAP MUST BE UPDATED WITHIN 1 YEAR.* If the map is not updated within 1 year of the adoption of this ordinance, the levying of fines shall be suspended until this requirement is met.

Section 80.11.03. D. It is the responsibility of the Executive Director to provide accurate, up to date, and complete copies of this Ordinance to all APC and BZA members and to board members of participating legislative bodies no later than 1 week after said board member's term has commenced.

Section 80.11.09 A. 1. File Application. An applicant seeking to change the Zone designation of a parcel or parcels of land shall submit an application to the Planning department that includes a petition signed by property owners who own at least 60% of the land in question, along with ten (10) copies of a site plan of the area for which the rezone is requested.

Section 80.12.02 C. 3. Failure to Comply. Where an owner has failed to comply with any condition by the grant of the variance, the BZA may authorize such action as it may deem appropriate to obtain compliance as if the variance had not been granted, up to or including terminating the operation.

~~Section 80.12.03. B. 2. Application Fees. A \$300.00 fee shall be assessed for an appeal.~~

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Section 80.12.02 : C. 2. Duration of Variance. A variance granted by the BZA shall run with the land until such time as the use of the variance ends, or the property conforms with the Zoning Code, as written. Upon issuance of the Certificate of variance, work must commence within six (6) months and be completed within twelve (12) months. The Director may extend with good cause shown.

Section 80.13 Definitions: Modular Home. A single family dwelling unit, designed and built in a factory and installed as a permanent residence.

Section 80.13 Definitions: Home Occupation..... Any activity performed for monetary gain in or directed from a dwelling unit or an accessory building by one or more residents of that dwelling unit which is located in a residential zone, provided that such activity meets the requirements set forth in Section 80.06.05.

Section 80.06.04: Veterinary Hospital or Clinic for Animals:

- a. Approval Process: Class 1, Allowed With Permit
- b. Zones Permitted: A-1, A-2, RE, R-3, LB, I-1, I-2 (Permitted Use in GB and PB)

Section 80.06.04: Specific Conditional Uses, Mining Operation (i.e. Sand or Gravel Pit, Borrow Pit, Topsoil Removal and Storage Areas):

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, I-1, I-2 & FP
- c. Minimum Yards: 150 feet
- d. Minimum Distance from Residential Use: 300 feet
- e. Landscape Screening: Level 2
- f. Subject to all State and Federal regulations

Section 80.05.09; E. 2. Any sign in sight of a State or Federal Highway must meet State and/or Federal guidelines.

Section 80.04.02. Interpretation of Zone Map Boundaries, F. District boundaries that split lots; Where a zoning district boundary line divides a lot which was a single ownership at the time of passage of the ordinance comprising this chapter into two or more zoning districts, the owner of said parcel shall determine which of the intersecting district's rules they will follow.

Section 80.05.09 Signs: A; No sign shall block traffic, impede or impair line of sight of the road or of road signs, nor create any other hazard to the flow of automotive traffic or safety of pedestrians on our public roads in any way.

Section 80.01, C; 2: Change to read; 2. Incorporated Exemption For the protection of the individual zoning visions of the incorporated towns, the town boards may, within their respective jurisdictions, waive any portion of this ordinance or add additional zoning requirements by virtue of town ordinances. However, the enforcement of any additional zoning regulations beyond the County's Zoning Code will be the responsibility of the town which enacted the additional requirements.

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this
17th day of October, 2011.

BOARD OF COUNTY COMMISSIONERS

Tammy L. ...

Tom ...

Scott M. ...

ATTEST:

Cerica ...
AUDITOR of Franklin County, Indiana

Date: 10/17/11, 2011.

Prepared by: Cindy C. Orschell

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REVISION

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06/21/2011 10:18:17A 1 PGS
PAMELA K BENEKER
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JUN 20 2011

AN ORDINANCE TO AMEND THE FRANKLIN COUNTY CITIZENS ZONING
CODE

Franklin County

Erica Hudson
AUDITOR, FRANKLIN COUNTY

Ordinance No. 2011-16

AN ORDINANCE TO AMEND THE FRANKLIN COUNTY CITIZENS ZONING CODE
OF FRANKLIN COUNTY, INDIANA, SPECIFICALLY; RESOLUTION NO. 2011-14,
PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY,
INDIANA ON THE 28TH DAY OF MARCH, 2011.

Section 80.09.01 General Provisions, D. Undeniable Access: add: 5. For purposes of
creating a building site, the "undeniable access" requirement shall not be fulfilled by the
use of unmaintained road right-of-ways, abandoned roads, unvacated, but no longer
maintained "township roads", or other public ways. Note: public way may be used only
if it is the sole access to a parcel created, and recorded prior to the adoption of the 1965
Zoning Code.

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this
20th day of June, 2011.

BOARD OF COUNTY

COMMISSIONERS

Tom Walsh
Tom Walsh
Scott M. McDonough

ATTEST:

Erica Hudson
AUDITOR of Franklin County, Indiana

Date: June 20, 2011.

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